

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

CR. 12-357

DIANE KAYLOR

Defendant

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DEAR SIR/MADAM:

PLEASE TAKE NOTICE, that upon the annexed Affirmation of David Zucker dated the 5th day of January 2015, and upon all prior proceedings had, the undersigned will move this Court before the Honorable Denis Hurley, United States District Court Judge at the United States Courthouse, Eastern District of New York, 610 Federal Plaza, Central Islip, New York on a day to be set by the Court, for an order precluding the U.S. Attorney from offering any testimony to establish that the defendant Diane Kaylor forged or tampered with an order submitted to Agape World by Paul Lukasik in December 2008 allegedly investing money therein.

And for such other and further relief as this Court may deem just and proper.

Dated: Kew Gardens, New York
JANUARY 5, 2015

Yours, etc.



SCHWED & ZUCKER, ESQ.
DAVID ZUCKER
Attorney for Defendant
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Suite Six
Kew Gardens, N.Y. 11415
(718) 263-7676

TO: United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722-4454
Attn: AUSA Christopher Cafferone

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA,

- against -

DIANE KAYLOR

CR. 12-357
AFFIRMATION

Defendant

-----x

DEAR SIR/MADAM:

DAVID ZUCKER, ESQ., affirms upon the penalty of perjury
the following:

1. Affirmant is an Attorney-at-law duly admitted to
practice before the Courts of this State and Eastern District
of New York.

2. This Affirmation is submitted in support of
Defendant's Motion to preclude from the trial pursuant to Rule
403 of Federal Rules of the evidence, certain testimony
alleging the defendant forged a certain document signing the
name of Paul Lukasik.

3. I am advised by AUSA Cafferone that he intends to
call Paul Lukasik to the stand to testify that he did not sign
an order directing that his funds be reinvested in Agape World.

4. I am further advised that AUSA Cafferone will be
calling a hand writing expert to testify that the signature on
said order is "more likely then not" the handwriting of the
defendant Diane Kaylor.

5. This assertion, if true, would constitute a Criminal
Act of forgery, of which she is not charged.

6. Although, the allegations in this case have been

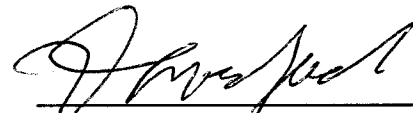
reviewed by several Grand Juries, none have charged Ms. Kaylor with the act of forgery though the alleged facts pertaining thereto have been known by the prosecution for up to six years.

7. The sole purpose of offering said testimony is to prejudice the Jury against the defendant yet offers little probeable value to the charges before the Court.

Wherefore, Counsel asks the Court to preclude the AUSA from offering said testimony at the Trial.

Dated: Kew Gardens, New York
January 6, 2015

Respectfully Submitted By:

A handwritten signature in dark ink, appearing to read 'David Zucker', is written over a horizontal line.

DAVID ZUCKER
Attorney for Defendant
Diane Kaylor